

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

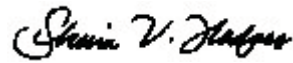
Joseph Michael Lyons, Jr., # 310283,)	C/A No.: 1:11-733-CMC-SVH
)	
Plaintiff,)	
)	
vs.)	
)	REPORT AND RECOMMENDATION
Mr. Bamberg; Mrs. Dozier; Sgt. Woods;)	
Deputy Bonepart; Captain Govan;)	
Officer Jones; and Officer Janet)	
Williams,)	
)	
Defendants.)	
)	
_____)	

Plaintiff, proceeding pro se and in forma pauperis, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. Defendants filed a motion for summary judgment on October 17, 2011. [Entry #49]. As Plaintiff is proceeding pro se, the court entered an order on October 18, 2011, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of a motion for summary judgment and of the need for him to file an adequate response. [Entry #51]. Plaintiff was specifically advised that if he failed to respond adequately, Defendants' motion may be granted, thereby ending this case. Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff has failed to respond to the motion.

On November 29, 2011, the court ordered Plaintiff to advise whether he wished to continue with the case by December 13, 2011. [Entry #55]. Plaintiff has filed no response. As such, it appears to the court that he does not oppose the motion and wishes

to abandon this action. Based on the foregoing, the undersigned recommends this action be dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.

A handwritten signature in black ink, reading "Shiva V. Hodges". The signature is written in a cursive, flowing style.

December 14, 2011
Florence, South Carolina

Shiva V. Hodges
United States Magistrate Judge